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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/915,540	BROWN ET AL.
	Examiner	Art Unit
	Robianca Perry	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-29 and 31-54* is/are pending in the application.

     4a) Of the above claim(s) *2 and 30* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-29 and 31-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *01/05,07/05*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 20-28 and 43-48 are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter.

Claim 20 and 43, are not limited to tangible embodiments. In view of applicant's

disclosure, specification page 11 and 12, the medium is not limited to tangible embodiments,

instead being defined as including both tangible embodiments (e.g., a floppy disk, a flexible disk,

hard disk, CD-ROM, or magnetic tape) and intangible embodiments (e.g., acoustic and light

waves). As such, the claim is not limited to statutory subject matter and is therefore non-

statutory.

To overcome the 101 rejection, the claims need to be amended to include only the

physical component.

Claims 21-28 and 44-48 are rejected by virtue of their dependency on a rejected base

claim.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 29-48 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Rust

(US Pub. 2004/0054728).

As per claim 29, Rust discloses a method in a particular client system from among a plurality of clients systems (Presenter client 110 and Attendee client 120) enabled to communicate with one another in a messaging session facilitated by a messaging server (i.e. Control server 140) through at least one instant messaging channel via a network (e.g. LAN, WAN, intranet) for participating in a messaging session facilitated through a particular instant messaging channel, said method comprising the steps of (pg. 3, par. 0029-0030):

•   Controlling outputs at said particular client systems to a user participating in said messaging session of entries associated with said messaging session received via said messaging server from a plurality of users participating in said messaging session (i.e. controls when the session is recorded and the name of the session; pg. 3, par. 0031 and 0033); and

•   In response to receiving a recording indicator for said messaging session from said messaging server, adjusting said output to distinguish a selection from among said plurality of message entries being recorded into a separate log by said messaging server, such that said user participating in said messaging session is notified when message entries posted by said user and said plurality of users are being recorded (i.e. message indicates audio or visual data which is recorded in separate logs; pg. 4, par. 0037-0038 and par. 0040-0041).

As per claim 30, Rust discloses the method for participating in a messaging session according to claim 29, wherein said messaging server comprises one of said plurality of client systems (pg. 3, par. 0029-0030).

As per claim 30, Rust discloses the method for participating in a messaging session according to claim 29, said method further comprising the step of:
in response to receiving a request to record by said user at said particular client system,

transmitting a request to record a specified selection of entries associated with said messaging

session to said messaging server (i.e. client sends a request to record a session with audio or

visual events; pg. 4, par. 0038-0040).

As per claim 33, Rust discloses the method for participating in a messaging session

according to claim 29, said method further comprising the steps of:

receiving from said messaging server a recording approval request for recording a

specified selection of entries associated with said messaging session, and

in response to an indication of approval selected by said user, transmitting said indication

of approval to said messaging server (pg. 4, par. 0037).

As per claim 34, Rust discloses the method for participating in a messaging session

according to claim 29, said step of adjusting said output to distinguish a selection from among

said plurality of message entries being recorded, further comprising the step of:

adjusting a textual output to distinguish a selection from among said plurality of entries

being recorded (pg. 5, par. 0047-0049 and 0053-0054).

As per claim 35, Rust discloses the method for participating in a messaging session

according to claim 29, said step of adjusting said output to distinguish a selection from among

said plurality of message entries being recorded., further comprising the step of:

adjusting a graphical output to distinguish a selection from among said plurality of

entries being recorded (pg. 5, par. 0047-0049 and 0053-0054).

As per claim 36, Rust discloses the method for participating in a messaging session

according to claim 29, said step of adjusting said output to distinguish a selection from among

said plurality of message entries being recorded, further comprising the step of:

adjusting an audible output to distinguish a selection from among said plurality of entries

being recorded (pg. 5, par. 0047-0049 and 0053-0054).

As per claim 37, Rust discloses a system for participating in a messaging session, said

system comprising:

a particular client messaging system from among a plurality of client systems

communicatively connected to a networks wherein said plurality of client systems are enabled to

communicate with one another through a messaging session facilitated by a messaging server

through an instant messaging channel via a network; said particular client messaging system further comprising: means for controlling output to a user participating in a messaging session of entries associated with said messaging session received via said messaging server from a plurality of users participating in said messaging session; and means for adjusting said output to distinguish a selection from among said plurality of message entries being recorded into a separate log by said messaging server, in response to receiving a recording indicator for said messaging session from said messaging server, such that said user participating in said messaging session is notified when message entries posted by said user and said plurality of users are being recorded.

Claim 37 list all the same elements of **claim 29**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 29** applies equally as well to **claim 37**.

As per claim 38, Rust discloses the system for participating in a messaging session according to claim 37, said particular client messaging system further comprising:
means for transmitting a request to record a specified selection of entries associated with said messaging session to said messaging server, in response to receiving a request to record by said user.

Claim 38 list all the same elements of **claim 32**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 32** applies equally as well to **claim 38**.

As per claim 39, Rust discloses the system for participating in a messaging session according to claim 37, said particular client messaging system further comprising:
means for receiving a recording approval request from said messaging server for recording a specified selection of entries associated with said messaging session; and means for transmitting said indication of approval to said messaging server, in response to an indicator of approval selected by said user.

Claim 39 list all the same elements of **claim 33** but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 33** applies equally as well to **claim 39**.

As per claim 40, Rust discloses the system for participating in a messaging session according to claim 37 said means for adjusting said output to distinguish a selection from among said plurality of message entries being recorded. further comprising:
means for adjusting a textual output to distinguish a selection from among said plurality of entries being recorded.

Claim 40 list all the same elements of claim 34, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claim 34 applies equally as well to claim 40.

As per claim 41, Rust discloses the system for participating in a messaging session according to claim 37 said means for adjusting said output to distinguish a selection from among said plurality of message entries being recorded, further comprising:
means for adjusting a graphical output to distinguish a selection from among said plurality of entries being recorded.

Claim 41 list all the same elements of claim 35, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claim 35 applies equally as well to claim 41.

As per claim 42, Rust discloses the system for participating in a messaging session according to claim 37, said means for adjusting maid output to distinguish a selection from among said plurality of message entries being recorded, further comprising:
means for adjusting an audible output to distinguish a selection from among said plurality of entries being recorded.

Claim 42 list all the same elements of claim 36, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claim 36 applies equally as well to claim 42.

As per claim 43, Rust discloses a program for participating in a messaging session, residing on a computer usable medium having computer readable program code means, said program comprising:
means for enabling a client system to communicate with at least a selection of a plurality of client systems via at least one messaging session facilitated by a messaging server through an

instant messaging channel via a network; means for controlling output to a user participating in said messaging session of entries associated with said messaging session received via said messaging server from a plurality of users participating in said messaging session; and means for adjusting said output to distinguish a selection from among said plurality of message entries being recorded into a separate log by said messaging server, in response to receiving a recording indicator for said messaging session.

Claim 43 is substantially the same as claim 29 and is thus rejected for reasons similar to those in rejecting claim 29.

As per claim 44, Rust discloses the program for participating in a messaging session according to claim 43, said program further comprising:
means for transmitting a request to record a specified selection of entries associated with said messaging session to said messaging server, in response to receiving a request to record by said user.

Claim 44 is substantially the same as claim 32 and is thus rejected for reasons similar to those in rejecting claim 32.

As per claim 45, Rust discloses the program for participating in a messaging session according to claim 43, said program further comprising:
means for receiving a recording approval request from said messaging server for recording a specified selection of entries associated with said messaging session, and means for transmitting said indication of approval to said messaging server in response to an indication of approval selected by said user.

Claim 45 is substantially the same as claim 33 and is thus rejected for reasons similar to those in rejecting claim 33.

As per claim 46, Rust discloses the program for participating in a messaging session according to claim 43, said program further comprising:
means for adjusting a textual output to distinguish a selection from among said plurality of entries being recorded.

Claim 46 is substantially the same as claim 34 and is thus rejected for reasons similar to those in rejecting claim 34.

As per claim 47, Rust discloses the program for participating in a messaging session according to claim 43, said program further comprising:

means for adjusting a graphical output to distinguish a selection from among said plurality of entries being recorded.

Claim 47 is substantially the same as claim 35 and is thus rejected for reasons similar to those in rejecting claim 35.

As per claim 48, Rust discloses the program for participating in a messaging session according to claim 43, said program further comprising:

adjusting an audible output to distinguish a selection from among said plurality of entries being recorded.

Claim 48 is substantially the same as claim 36 and is thus rejected for reasons similar to those in rejecting claim 36.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-4, 6-8, 10-13, 15-17, 19-22, 24-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoof, II (US 5,440,624) and in view of Byers et al. (US 6,987,841).

As per claim 1, Schoof II discloses a method in at least one server system (i.e. conference controller 130) for enabling at least one messaging session (i.e. conference) via an instant messaging channel (i.e. path 102) through a network (i.e. network 100) between at least a selection of a plurality of separate client systems (i.e. terminals 105, 110, 115, 120, 125, and 130) communicatively connected to said networks (i.e. telephone network 20 and LAN 14) for recording a messaging session, said method comprising the steps of (col. 5, lines 31-53 and col. 6, lines 5-32):

- In response to receiving a request to record a messaging session at said server system 130, recording a log (i.e. a archive record 440) of a requested selection of a plurality of message entries associated with said messaging session (i.e. all messages sent to the context controller are written to the archived record file; col. 13, lines 23-32), separate from distribution said plurality of message entries to said selection of said plurality of separate client systems (col. 13, lines 23-32 and lines 33-38); and

- Notify a plurality of users participating in said messaging session via said selection of said plurality of separate client systems of said recording of said requested selection of said plurality of message entries (col. 8, lines 4-15).

Although Schoof, II et al. disclose the invention substantially as claimed, Schoof, II et al. are silent regarding notify a plurality of users participating in said messaging session via said selection of said plurality of separate client systems of said recording of said requested selection of said plurality of message entries

Byers et al., in an analogous art disclose a system utilized for recording an audio conference call. Byers et al. further discloses receiving a request from a communicating party to record the audio conference and receiving authorization to record the communication from the other parties participating in the conference (col. 3, lines 37-41 and col. 8, lines 9-27).

Hence, providing the request to record the audio conference as disclosed by Byers et al. would be desired in order to provide authenticated proof of the communication, identification of the communicating parties, authenticated copies of the recording, and notify other parties of the recorded communication (col. 2, lines 42-45 and col. 3, lines 37-41 and lines 65-67).

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the system of Schoof, II by sending a request to the telephone system from the conference participants to record the audio conference as disclosed by Byers et al. in order to authenticate data associated with the recording and notify participants of the record communication.

As per claim 3, Schoof II discloses the method for recording a messaging session according to claim 1, said method further comprising the steps of:

submitting a plurality of approval requests to a selection of said plurality of user

participating in said messaging session; and controlling recording of said messaging session

according to responses to said plurality of approval requests (i.e. Byers discloses receiving

authorization from the communicating parties to record the conversation. Byers further discloses

recording the conversation if party agrees or if party refuses, terminating the call or continuing

with conversation without recording; col. 8,lines 9-26).

As per claim 4, Schoof II discloses the method for recording a messaging session according to

claim 3, said method further comprising the steps of:

in response to receiving a request to record said messaging session at said server system,

determining authorization required for recording; and only recording said log of said messaging

session if said plurality of approval requests are received as required by said authorization (Byers

discloses receiving authorization to record to record the communication; col. 3, lines 38-41 and

col.8, lines 9-26).

As per claim 6, Schoof II discloses the method for recording a messaging session according to

claim 1, said method farther comprising the step of:

storing said log recording said messaging session at a message repository (col. 5, lines 65-67 and

col. 13, lines 55-67).

As per claim 7, Schoof II discloses the method for recording a messaging session according to

claim 1 , said method further comprising the step of: transmitting said log recording said

messaging session to said plurality of users participating in said messaging session (col. 10, lines

32-57).

As per claim 8, Schoof II discloses the method for recording a messaging session according to

claim 1, said method further comprising the step of:

receiving said request to record from a user participating in said messaging session (Byers

discloses receiving a request to record the communication; col. 3, lines 57-60 and col. 7, lines 6-

11).

As per claim 10, Schoof II discloses the method for recording a messaging session according to

claim 1 , said step of notifying a plurality of users participating in said messaging session of said

recording of said requested selection of said plurality of message entries further comprising the

step of:

notifying said plurality of users by transmitting a recording indicator to each of said
plurality of users according to a plurality of separate recording preferences each corresponding
to a separate user from among said plurality of users (Byers: col. 8, lines 9-26).

As per claim 11, Schoof II discloses a system for recording a messaging session, said system
comprising: a messaging server communicatively connected to a network, said messaging server
for enabling at least one messaging session via an instant messaging channel through said
network between at least a selection of a plurality of separate client systems communicatively
connected to said network to facilitate said messaging session; said messaging server further
comprising:

means for recording a log of a requested selection of a plurality of message entries
associated with said messaging session, in response to receiving a request to record a messaging
session. separate from distributing said plurality of message entries to said selection of said
plurality of separate client systems; and means for notifying a plurality of users participating in
said messaging session via said selection of said plurality of separate client systems of said
recording of said requested selection of said plurality of message entries.

Claim 11 list all the same elements of **claim 1**, but in system form rather than method
form. Therefore, the supporting rationale of the rejection to **claim 1** applies equally as well to
claim 11.

As per claim 12, Schoof II discloses the system for recording a messaging session according to
claim 11, said messaging server further comprising:

means for determining a plurality of approval requests to a selection of said plurality of
user participating in said messaging session; and

means for controlling recording of said messaging session according to responses to said
plurality of approval requests.

Claim 12 list all the same elements of **claim 3**, but in system form rather than method
form. Therefore, the supporting rationale of the rejection to **claim 3** applies equally as well to
claim 12.

As per claim 13, Schoof II discloses the system for recording a messaging session
according to claim 12, said messaging server further comprising:

means for determining authorization required for recording, in response to receiving

said request to record said messaging session; and

means for only recording said log of said messaging session if said plurality of approval

requests are received as required by said authorization.

Claim 13 list all the same elements of **claim 4**, but in system form rather than method

form. Therefore, the supporting rationale of the rejection to **claim 4** applies equally as well to

claim 13.

As per claim 15, Schoof II discloses the system for recording a messaging session

according to claim 11, said messaging server further comprising:

means for storing said log recording said messaging session at a message

repository.

Claim 15 list all the same elements of **claim 6**, but in system form rather than method

form. Therefore, the supporting rationale of the rejection to **claim 6** applies equally as well to

claim 15.

As per claim 16, Schoof II discloses the system for recording a messaging session

according to claim 11, said messaging server further comprising:

means for transmitting said log recording said messaging session to said plurality

of users participating in said messaging session.

Claim 16 list all the same elements of **claim 7**, but in system form rather than method

form. Therefore, the supporting rationale of the rejection to **claim 7** applies equally as well to

claim 16.

As per claim 17, Schoof II discloses the system for recording a messaging session

according to claim 11, said messaging server further comprising:

means for receiving said request to record from a user participating in said

messaging session.

Claim 17 list all the same elements of **claim 8**, but in system form rather than method

form. Therefore, the supporting rationale of the rejection to **claim 8** applies equally as well to

claim 17.

As per claim 18, Schoof II discloses the system for recording a messaging session

according to claim 11, said messaging server further comprising:

means for receiving said request to record from a user not participating in said

messaging session who is authorized to record said messaging session.

Claim 18 list all the same elements of claim 9, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claim 9 applies equally as well to claim 18.

Claim 19 list all the same elements of claim 10, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claim 10 applies equally as well to claim 19.

As per claim 20, Schoof II discloses a program for recording a messaging session, residing on a computer usable medium having computer readable program code means, said program comprising:

means for enabling at least one messaging session via an instant messaging channel through a network between at least a selection of a plurality of separate client systems communicatively connected to said network

means for enabling recording of a log of a requested selection of a plurality of message entries associated with said messaging session separate from distributing said plurality of message entries to said selection of said plurality of separate client systems, in response to receiving a request to record a messaging session; and

means for notifying a plurality of users participating in said messaging session via said selection of said plurality of separate client systems of said recording of said requested selection of said plurality of message entries.

Claim 20 is substantially the same as claim 1 and is thus rejected for reasons similar to those in rejecting claim 1.

As per claim 21, Schoof II discloses the program for recording a messaging session according to claim 20, said program further comprising:

means for submitting a plurality of approval requests to a selection of said plurality of user participating in said messaging session; and

means for controlling recording of said messaging session according to responses to said plurality of approval requests.

Claim 21 is substantially the same as claim 3 and is thus rejected for reasons similar to those in rejecting claim 3.

As per claim 22, Schoof II discloses the program for recording a messaging session according to claim 21, said program further comprising:
means for determining authorization required for recording, in response to receiving
said request to record said messaging session; and
means for only enabling recording of said messaging session if said plurality of approval
requests are received as required by said authorization.

Claim 22 is substantially the same as claim 4 and is thus rejected for reasons similar to those in rejecting claim 4.

As per claim 24, Schoof II discloses the program for recording a messaging session according to claim 21, said program further comprising:
means for enabling storage of said log recording said messaging session at a message repository.

Claim 24 is substantially the same as claim 6 and is thus rejected for reasons similar to those in rejecting claim 6.

As per claim 25, Schoof II discloses the program for recording a messaging session according to claim 21, said program further comprising:
means for enabling transmission of said log recording said messaging session to
said plurality of users participating in said messaging session.

Claim 25 is substantially the same as claim 7 and is thus rejected for reasons similar to those in rejecting claim 7.

As per claim 26, Schoof II discloses the program for recording a messaging session according to claim 21 , said program further comprising:
means for enabling receipt of said request to record from a user participating in said messaging session.

Claim 26 is substantially the same as claim 8 and is thus rejected for reasons similar to those in rejecting claim 8.

As per claim 28, Schoof II discloses the program for recording a messaging session according to claim 21, said means for notifying a plurality of users participating in said messaging session of said recording of said requested selection of said plurality of message entries further comprising:
means for notifying said plurality of users by transmitting a recording indicator to each of

said plurality of users according to a plurality of separate recording preferences each corresponding to a separate user from among said plurality of users.

Claim 28 is substantially the same as **claim 10** and is thus rejected for reasons similar to those in rejecting **claim 10**.

5.   Claims 5, 9, 14, 19, 23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoof, II (US 5,440,624), in view of Byers et al. (US 6,987,841), and in further view of Fenton (US 5,619,555).

As per claim 5, Schoof II discloses the method for recording a messaging session according to claim 1 , said method further comprising the step of:

in response to receiving a request to stop recording at said server system, stopping recording of said messaging session into said log (col. 10, lines 27-35; Byers discloses documenting the refusal of another party to permit the recording of the communication).

Although Schoof, II et al. disclose the invention substantially as claimed, Schoof, II et al. are silent regarding receiving a request to stop recording at said server system.

Fenton et al., in an analogous art disclose a audio conference system. Fenton et al., further discloses the capability to start and stop an audio conference recording (col. 10, lines 27-35).

Hence, providing the start and stop capability as disclosed by Fenton would be desired in order to allow the user to enable or disable the recording of the conference (col. 3, lines 20-35).

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the system of Schoof, II et al. by including the start and stop capability as disclosed by Fenton et al. in order to allow the user to control the recording of the conference.

As per claim 9, Schoof II discloses the method for recording a messaging session according to claim 1, said method further comprising the step of:

receiving said request to record from a user not participating in said messaging session who is authorized to record said messaging session (col. 3, lines 20-37 and col. 10, lines 1-35).

As per claim 14, Schoof II discloses the system for recording a messaging session according to claim 11 , said messaging server further comprising:
means for stopping recording of said messaging session into said log, in response to receiving a request to stop recording.

Claim 14 list all the same elements of **claim 5**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 5** applies equally as well to **claim 14**.

As per claim 19, Schoof II discloses the system for recording a messaging session according to claim 11, said means for notifying a plurality of users participating in said messaging session of said recording of said requested selection of said plurality of message entries further comprising:
means for notifying said plurality of user by transmitting a recording indicator to each of said plurality of users according to a plurality of separate recording preferences each corresponding to a separate user from among said plurality of users.

As per claim 23, Schoof II discloses the program for recording a messaging session according to claim 21 , said program further comprising:
means for stopping recording of said messaging session into said log. in response to receiving a request to stop recording.
Claim 23 is substantially the same as **claim 5** and is thus rejected for reasons similar to those in rejecting **claim 5**.

As per claim 27, Schoof II discloses the program for recording a messaging session according to claim 21, said program further comprising:
means for enabling receipt of said request to record from a user not participating in said messaging session who is authorized to record said messaging session.
Claim 27 is substantially the same as **claim 9** and is thus rejected for reasons similar to those in rejecting **claim 9**.

6.   Claims 49, and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rust (US Pub 2004/0054728), and in view of Schoof, II (US 5,440,624).

As per claim 49, Rust discloses a user interface (i.e. GUI program) at a client system (i.e. remote computers or workstation 16 and 18) for controlling recording of messaging sessions (i.e. audio conference) facilitated by a messaging server (i.e. central server) through at least one instant messaging channel via a network (i.e. LAN 14 and telephone network 20) between a plurality of client systems (i.e. remote computers or workstation 16 and 18), comprising: a selectable item for initiating recording by said messaging server of a log of a selection of message entries within a particular messaging session (col. 10, lines 26-35); and a changing textual display of a plurality of message entries within said particular messaging session for distinguishing said recorded selection of message entries within said particular messaging session (col. 9, lines 45-64).

Although Rust disclose the invention substantially as claimed, Rust is silent regarding a selectable item for initiating recording by said messaging server of a log of a selection of message entries within a particular messaging session.

Schoof, II, in an analogous art disclose a system utilized for conducting electronic conferences. Schoof, II, further discloses a archive record file that is utilized to store messages sent from any user participating in the conference (col. 13, lines 19-32).

Hence, providing the archive record file as disclosed by Schoof, II would be desired in order to assure the best dissemination of the conference information (col. 3, lines 62-67).

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the system of Rust by saving and/or recording the conference information in the archive record file as disclosed by Schoof, II in order to provide the conference information in the most efficient and cost-effective manner.

As per claim 51, Rust discloses a user interface for controlling recording of messaging sessions according to claim 49, wherein said changing textual display distinguishes between topics within said particular messaging session (col. 9, lines 45-64).

As per claim 52, Rust discloses a user interface for controlling recording of messaging sessions according to claim 49, further comprising: a selectable item for stopping recording by said messaging server of said selection of message entries (col. 10, lines 26-35).

As per claim 49, Rust discloses a user interface for controlling recording of messaging sessions according to claim 49. further comprising:
a selectable item for pausing recording by said messaging server of said selection of message entries (col. 10, lines 26-35).

As per claim 49, Rust discloses a user interface for controlling recording of messaging sessions according to claim 49, further comprising:
a graphical indicator of current recording of said selection of message entries by said messaging server (col. 5, lines 25-60).

7.   Claims 49, and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rust (US Pub 2004/0054728), in view of Schoof, II (US 5,440,624), and in further view of Byers et al. (US 6,987,841).

As per claim 50, Rust discloses a user interface for controlling recording of messaging sessions according to claim 49, further comprising:
a selectable approval indicator for indicating approval to said messaging server of recording of a log of said selection of message entries.

Although Rust disclose the invention substantially as claimed, Rust is silent regarding a selectable item for initiating recording by said messaging server of a log of a selection of message entries within a particular messaging session.

Byers et al., in an analogous art disclose a system utilized for recording an audio conference call. Byers et al. further discloses receiving a request from a communicating party to record the audio conference and receiving authorization to record the communication from the other parties participating in the conference. In addition, Byers et al discloses an indicator to agree or disagree to the conversation being recorded (col. 3, lines 37-41 and col. 8, lines 9-27).

Hence, providing the indicator to agree or disagree to the conversation being recorded as disclosed by Byers et al. would be desired in order to provide the system with a proper signal to indicate whether or not a conference should be recorded (col. 8, lines 9-27).

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the system of Rust by sending a signal to the telephone system from the conference participants to record or not record the audio conference as disclosed by Byers et al. in order to properly identify the conferences that should be recorded.
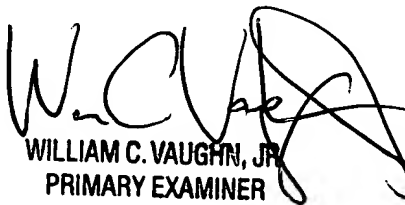
Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Robianca Perry whose telephone number is 571-272-5812. The

examiner can normally be reached on Monday through Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Robianca Perry
Examiner
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RLP

WILLIAM C. VAUGHN, JR
PRIMARY EXAMINER